

REMARKS

Entry of this amendment, reconsideration and withdrawal of all grounds of rejection, and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 12-22, as amended, remain pending herein. Claims 12, 17, 21 and 22 are independent claims.

Claims 12-22 stand rejected under 35 U.S.C. §103(a) over Badger (U.S. 5,678,211) in view of Englmeier (U.S. 7,119,834). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

Applicant respectfully submits that the present claims have been amended to clarify that the tuner is pre-calibrated and includes calibration means for retrieving a calibration signal generated during the pre-calibration identified by at least one identifier.

More particularly, for example, claim 12 has been amended to recite in part:

A receiver comprising a pre-calibrated tuner comprising arranged therein, said tuner being pre-
calibrated prior to arrangement in said receiver and having
at least one electronically tuned filter, wherein said
tuner receiver comprises includes means for calibrating said
electronically tuned filter by retrieving from outside said
receiver a calibration signal generated by the pre-
calibration of said tuner and identified by at least one
identifier for identifying associated with at least one
database field in a database outside said receiver for
storing at least one said calibration signal for calibrating
said electronically tuned filter within said receiver.

Support for the above amendments to claim 12 is found in the specification at least at page 4, lines 8-22, page 5, lines 16-19 and shown in FIG. 1. Independent claims 17, 21 and 22 recite similarly amended recitations, with claims 21 and 22 being in method format.

Applicant respectfully submits that none of the present claims would have been obvious over the combination of Badger in view of Englmeier, as the combination clearly fails to disclose, or otherwise render obvious that a tuner comprises a pre-calibrated electronically tuned filter and means for calibration by retrieving the calibration signal generated by the pre-calibration identified by an identifier associated with at least one database for calibrating the electronically tuned filter within the receiver.

Applicant respectfully submits that the combination of Badger and Englmeier fails as a combination regarding disclosing or rendering obvious the pre-calibrated electronically tuned filter as recited in the present claims, as the combination fails to disclose or render obvious at least the recited identifier for retrieving the calibration signal situated outside the receiver.

For example, with regard to the combination of Badger and Englmeier, the Office Action cites the "DATA IN" line to PROM 42 (FIG. 1 of Badger) as inherently disclosing a database. However, Badger discloses at col. 2, lines 48-54 that during production, the digital trimming control signals are written into PROM 42. As Badger burns this information into the PROM during production, the combination of Badger in view of Englmeier fails to disclose or render any of the claims obvious at least for this reason.

Applicant respectfully submits that one of the advantages of the claimed invention is that the retrieving (downloading) needs to be done only once for each newly installed tuner (specification at page 2, lines 13-18). Another advantage of the claimed invention is that calibration results do not need to be kept insider/near the tuners (specification at page 2). In contrast, the combination of Badger and Englmeier stores the calibration result internally in the PROM 42 of the tuner 10.

For at least the above reasons, Applicant respectfully submits that none of the present claims would have been obvious at the time of invention over the combination of Badger and Englmeier. Nor would the combination of elements, as recited in the present claims, have been obvious at the time of invention as being within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

Applicant also respectfully submits that all of the claims depending from one of claims 12 and 17 are allowable at least for dependency from an allowable base claim and because of an independent basis for patentability. Individual consideration of each claim on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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